



Sen. John J. Cullerton

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09500SB0546sam001

LRB095 09375 JAM 34392 a

1 AMENDMENT TO SENATE BILL 546

2 AMENDMENT NO. _____. Amend Senate Bill 546 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Notary Public Act is amended by
5 changing Sections 3-101, 3-102, 3-104, 6-101, and 7-108 as
6 follows:

7 (5 ILCS 312/3-101) (from Ch. 102, par. 203-101)

8 Sec. 3-101. Official Seal and Signature.

9 (a) Each notary public shall, upon receiving the commission
10 from the county clerk, obtain an official rubber stamp seal
11 with which the notary shall authenticate his official acts. The
12 rubber stamp seal shall contain the following information:

13 (1) ~~(a)~~ the words "Official Seal";

14 (2) ~~(b)~~ the notary's official name;

15 (3) ~~(c)~~ the words "Notary Public", "State of Illinois",

16 and "My commission expires _____ (commission

1 expiration date)"; and

2 (4) ~~(d)~~ a serrated or milled edge border in a
3 rectangular form not more than one inch in height by two
4 and one-half inches in length surrounding the information.

5 (b) At the time of notarization, a notary public shall
6 officially sign every notary certificate clearly and legibly
7 using black ink, so that it is capable of photographic
8 reproduction. The illegibility of any of the information
9 required by this Section does not affect the validity of a
10 transaction.

11 (Source: P.A. 84-322.)

12 (5 ILCS 312/3-102) (from Ch. 102, par. 203-102)

13 Sec. 3-102. Business Records ~~Official Signature~~.

14 (a) For every notarial act involving a document of
15 conveyance, encumbrance, or release or encumbrance affecting
16 real property, a paper or electronic form shall be kept in the
17 business records of the employer of the notary or the notary's
18 business records for a period of 7 years. The form shall
19 contain for each notarial act:

20 (1) Date, time, and type of each official act.

21 (2) Type, title, or a description of the document being
22 notarized.

23 (3) Signature of each person whose signature is being
24 notarized.

25 (4) Type and information from valid identification for

1 the person whose signature is being notarized that must be
2 at least one of the following:

3 (i) Driver's license;

4 (ii) State identification;

5 (iii) Military identification;

6 (iv) Passport; or

7 (v) I-10 number.

8 (5) The fee charged for the notarial service.

9 (b) The form may be examined without restriction by a law
10 enforcement officer in the course of an official investigation,
11 subpoenaed by court order, or surrendered at the direction of
12 the Secretary of State.

13 ~~At the time of notarization, a notary public shall officially~~
14 ~~sign every notary certificate and affix the rubber stamp seal~~
15 ~~clearly and legibly using black ink, so that it is capable of~~
16 ~~photographic reproduction. The illegibility of any of the~~
17 ~~information required by this Section does not affect the~~
18 ~~validity of a transaction.~~

19 (Source: P.A. 84-322.)

20 (5 ILCS 312/3-104) (from Ch. 102, par. 203-104)

21 Sec. 3-104. Maximum Fee.

22 (a) Except as provided in subsection (b) of this Section,
23 the maximum fee in this State is \$1.00 for any notarial act
24 performed and up to \$10 for any notarial act performed pursuant
25 to Section 3-102.

1 (b) Fees for a notary public, agency, or any other person
2 who is not an attorney or an accredited representative filling
3 out immigration forms shall be limited to the following:

4 (1) \$10 per form completion;

5 (2) \$10 per page for the translation of a non-English
6 language into English where such translation is required
7 for immigration forms;

8 (3) \$1 for notarizing;

9 (4) \$3 to execute any procedures necessary to obtain a
10 document required to complete immigration forms; and

11 (5) A maximum of \$75 for one complete application.

12 Fees authorized under this subsection shall not include
13 application fees required to be submitted with immigration
14 applications.

15 Any person who violates the provisions of this subsection
16 shall be guilty of a Class A misdemeanor for a first offense
17 and a Class 3 felony for a second or subsequent offense
18 committed within 5 years of a previous conviction for the same
19 offense.

20 (c) Upon his own information or upon complaint of any
21 person, the Attorney General or any State's Attorney, or their
22 designee, may maintain an action for injunctive relief in the
23 court against any notary public or any other person who
24 violates the provisions of subsection (b) of this Section.
25 These remedies are in addition to, and not in substitution for,
26 other available remedies.

1 If the Attorney General or any State's Attorney fails to
2 bring an action as provided pursuant to this subsection within
3 90 days of receipt of a complaint, any person may file a civil
4 action to enforce the provisions of this subsection and
5 maintain an action for injunctive relief.

6 (d) All notaries public must provide receipts and keep
7 records for fees accepted for services provided. Failure to
8 provide receipts and keep records that can be presented as
9 evidence of no wrongdoing shall be construed as a presumptive
10 admission of allegations raised in complaints against the
11 notary for violations related to accepting prohibited fees.

12 (Source: P.A. 93-1001, eff. 8-23-04.)

13 (5 ILCS 312/6-101) (from Ch. 102, par. 206-101)

14 Sec. 6-101. Definitions. (a) "Notarial act" means any act
15 that a notary public of this State is authorized to perform and
16 includes taking an acknowledgment, administering an oath or
17 affirmation, taking a verification upon oath or affirmation,
18 and witnessing or attesting a signature.

19 (b) "Acknowledgment" means a declaration by a person to a
20 notary in the notary's presence that the person has executed an
21 instrument for the purposes stated therein and, if the
22 instrument is executed in a representative capacity, that the
23 person signed the instrument with proper authority and executed
24 it as the act of the person or entity represented and
25 identified therein.

1 (c) "Verification upon oath or affirmation" means a
2 declaration that a statement is true made by a person upon oath
3 or affirmation.

4 (c-5) "Witnessing or attesting signature" means a notarial
5 act in which a person signs a document in the presence of the
6 notary.

7 (d) "In a representative capacity" means:

8 (1) for and on behalf of a corporation, partnership, trust,
9 or other entity, as an authorized officer, agent, partner,
10 trustee, or other representative;

11 (2) as a public officer, personal representative,
12 guardian, or other representative, in the capacity recited in
13 the instrument;

14 (3) as an attorney in fact for a principal; or

15 (4) in any other capacity as an authorized representative
16 of another.

17 (Source: P.A. 84-322.)

18 (5 ILCS 312/7-108) (from Ch. 102, par. 207-108)

19 Sec. 7-108. Revocation of Commission. The Secretary of
20 State shall refuse to appoint any person as a notary public or
21 shall ~~may~~ revoke the commission of any notary public upon any
22 of the following grounds ~~who, during the current term of~~
23 ~~appointment:~~

24 (a) Substantial and material misstatement or omission in
25 the application submitted to the Secretary of State. ~~submits an~~

1 ~~application for commission and appointment as a notary public~~
2 ~~which contains substantial and material misstatement or~~
3 ~~omission of fact; or~~

4 (b) Conviction is convicted of any felony or official
5 misconduct under this Act.

6 (c) Revocation or denial of a professional license.

7 (d) Failure to secure the information required pursuant to
8 Section 3-102 or the official seal pursuant to Section 3-101.

9 (Source: P.A. 84-322.)".